



**FILED & JUDGMENT ENTERED
Steven T. Salata**

October 3 2019

Clerk, U.S. Bankruptcy Court
Western District of North Carolina


J. Craig Whitley
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE: NORRIS GENE WRIGHT)
SHERRY LYNN WRIGHT)
Debtors) Chapter 13
SSN: xxx-xx-3799) Bankruptcy Case No:
SSN: xxx-xx-7629) 16-40199
)

**ORDER SETTING ASIDE COURT'S
ORDER DISMISSING CASE
AND CONTINUATION OF AUTOMATIC STAY**

THIS CAUSE coming on to be heard and being heard before the undersigned Judge of the United States Bankruptcy Court upon the Motion To Set Aside Court's Order Dismissing Case filed by the Debtors by and through their attorney of record, Robert H. Lutz, and it appearing to the Court that the Debtors are represented by Robert H. Lutz, Attorney at Law, and that Steven G. Tate, is represented by himself as the Chapter 13 Trustee; and it further appearing to the Court upon all matters and things in controversy and upon review of the file, the Court makes the following:

1. This Chapter 13 proceeding was filed by the Debtors on May 17, 2016.
 2. The Bankruptcy Plan was confirmed on August 2, 2016.
 3. The Plan payments are currently \$1010.00 per month.
 4. Trustee requested a future default for six (6) months pursuant to an Order entered on July 1, 2019.

5. The Debtors made a full plan payment of \$1010.00 in July, 2019, which posted on the Trustee's website on July 19, 2019.

6. The Debtors mailed two money orders, a total pf \$1010.00, for August, 2019.

7. The said money orders have not been received by the Chapter 13 Trustee.

8. The Court entered an Order dismissing the case on September 11, 2019, due to non-payment.

9. The Debtors are in the process of having the USPS take whatever actions are necessary to track the said money orders.

10. The Debtors' September, 2019 payment of \$1010.00 posted September 20, 2019 on the Trustee's website.

11. The Debtors' plan provides for payments to be made for the Debtors' residence.

12. The Debtors believe they have established sufficient grounds to have this dismissal set aside.

13. The Debtors have received correspondence from the United States Postal Service to follow up with the lost money orders after October 15, 2019.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Court allows the Order dismissing the case be set aside and the Debtors remain under the automatic stay of the Bankruptcy Code.

2. The Court further continues this matter to October 25, 2019, at 9:30 o'clock a.m., in the United States Bankruptcy Court, Cleveland County Courthouse, 100 Justice Place, Shelby, North Carolina, in order to allow the payment not received to be traced and the Trustee to calculate payments going forward for the remainder of the plan.

3. The attorney for the Debtors, Robert H. Lutz, is granted a non-base attorney's fee in the amount of \$450.00 and expenses in the amount of \$71.00 for services rendered to the Debtors regarding this Motion and paid direct by the Debtors.

This Order has been signed electronically.
The judge's signature and court's seal
appear at the top of the Order.

United States Bankruptcy Court